IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3298 OF 2007

Union of India and others .. Petitioners
v/s.
Manohar Narsing Talla .. Respondent

Mr. J.C. Satpute with Mr. G. Hariharan for the petitioners.
Mr. P.J. Prasad Rao for the respondent.

CORAM : F.I. REBELLO AND
R.M. SAVANT,JJ.

DATED : 3RD MAY, 2007

P.C.

The respondent was the lone O.B.C. candidate selected out of seventeen applicants who were considered to be eligible and called for the qualifying examination. In the examination, the respondent secured 29.7% marks in terms of the order passed by CAT to rework out the marks of the candidates. According to the petitioners, qualifying marks were 30% for the O.B.C. and as the respondent did not secure 30% marks, he was not offered appointment. The respondent challenged the said decision contending that 29.7% should be considered as 30%. The learned Tribunal after considering the judgment of the Supreme Court, was pleased to hold that 29.7% marks should be rounded off to 30%. This would ensure that a quota for O.B.C. was filled in. The Tribunal granted time of two months to

the petitioners to comply with the said direction.

2. This petition was filed on 16.4.2007. The issue is whether on the facts and circumstances of the case the Tribunal having considered various aspects, we should interfere in the exercise of our extraordinary jurisdiction. From the record, it would be clear that out of 17 candidates, only one candidate from O.B.C. was found eligible. That candidate secured, based on the reworking, 29.7% marks. If the Tribunal after considering the various facts and circumstances of the case, directed to consider the case of the petitioner for appointment by rounding off his score as 30%, in our opinion, considering affirmative action, this court should not interfere to the facts and circumstances in the exercise of its writ jurisdiction.

3. The petitioners are directed to comply with the order of the Tribunal within eight weeks from today.

With the above observations, petition disposed of.

(F.I. REBELLO, J.)

(R.M. SAVANT, J.)